

02/11/02



JC355 U.S. PTO

02-14-02

Atty Dkt No. 9001-0042.01  
PATENT

## REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

J1046 U.S. PRO  
02/11/02

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

- "Express Mail" Mailing Label No. EV 036 420 146 US Date of Deposit 11 February 2002  
 I hereby certify that this paper or fee is being deposited with the United States Postal Service  
 "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above  
 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Patrick K. Nunes  
 (Typed or Printed Name of Person Mailing Paper or Fee)

Patrick K. Nunes  
 (Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation        divisional application under 37 C.F.R. 1.53(b)(1), of pending prior application serial no. 09/252,149 filed on February 18, 1999, of Christopher A. BARKER and Mohamad MORSEY for IMMUNOLOGICAL METHODS TO MODULATE MYOSTATIN IN VERTEBRATE SUBJECTS.

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicant(s) claim(s) small entity status.
3. X The filing fee is calculated below:

A.	Basic Application Fee		\$740
B.	Total Claims 147 - 20 = 127	x \$18	\$2286
C.	Independent Claims 3 - 3 = 0	x \$84	-
D.	If multiple claims present, add	\$280	-
E.	Total Application Fee (Total of A, B, C & D)	=	<u>\$3026</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%		<u>\$1513</u>
G.	Total Fee Due (E - F)	=	\$1513

- RECEIVED  
U.S. PATENT AND TRADEMARK OFFICE  
MAY 20 1999
4.  The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-1648.
  5.  A check to cover the \$ 1513 application fee is attached.
  6.  Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
  7.  The inventors of the invention being claimed in this application are: Christopher A. BARKER and Mohamad MORSEY.
  8.  This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: .
  9.  Amend the specification by replacing the paragraph beginning on page 1, line 9 with the following rewritten paragraph:  
--This application is a continuation of U.S. Patent Application Serial No. 09/252,149, filed February 18, 1999, from which application priority is claimed pursuant to 35 U.S.C. §120, and this application is related to Provisional Patent Application Serial No. 60/075,212, filed February 19, 1998, from which priority is claimed under 35 USC §119(e)(1), and which applications are incorporated herein by reference in their entireties.--
  10.  The prior application is assigned of record to MetaMorphix International, Inc.
  11.  A preliminary amendment is enclosed.
  12.  Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, Submission of Formal Drawings, and 17 sheets of Formal Drawings.
  13.  The power of attorney in the prior application is to Roberta L. Robins, Reg. No. 33,208, and Gary R. Fabian, Ph.D., Reg. No. 33,875.
    - a.  The power appears in the original papers in the prior application.
    - b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
    - c.  Recognize the following individuals as Associate Attorneys: Dahna S. Pasternak, Reg. No. 41,411, and Narinder S. Banait, Reg. No. 43,482.

d.  Address all future communications to Roberta L. Robins at:

ROBINS & PASTERNAK LLP  
545 Middlefield Road, Suite 180  
Menlo Park, CA 94025  
phone: (650) 325-7812  
fax: (650) 325-7823.

2/11/02

(date)

Roberta L. Robins

(Attorney of Record)  
Roberta L. Robins  
Reg. No. 33,208

Address of signator:

- inventor(s)  
 assignee of complete interest  
 attorney or agent of record

filed under § 1.34(a)



20855

PATENT TRADEMARK OFFICE

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Patricia K. Hindekes  
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Hindekes  
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARKER and MORSEY

Serial No.: continuation of 09/252,149 Art Unit: Unassigned

Filing Date: concurrently herewith Examiner: Unassigned

Title: IMMUNOLOGICAL METHODS TO MODULATE MYOSTATIN IN  
VERTEBRATE SUBJECTS

**BLANKET PETITION FOR EXTENSION OF TIME AND  
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

If a paper is untimely filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

If a paper is concurrently or subsequently filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative and a fee under 37 C.F.R. §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Date: 2/11/02

By: Roberta L. Robins  
Roberta L. Robins  
Registration No. 33,208

ROBINS & PASTERNAK LLP  
90 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 325-7812  
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PATRICIA K. HINGES  
Typed or Printed Name of Person Mailing Paper or Fee

Patricia K. Hinges  
Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

BARKER and MORSEY

Serial No.: continuation of 09/252,149 Art Unit: Unassigned

Filing Date: concurrently herewith Examiner: Unassigned

Title: IMMUNOLOGICAL METHODS TO MODULATE MYOSTATIN IN VERTEBRATE SUBJECTS

SUBMISSION OF FORMAL DRAWINGS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attention: Official Draftsman

Sir:

Enclosed are 17 sheets of formal drawings in connection with the above identified case.

Respectfully submitted,

Date: 2/11/02

By: Roberta L. Robins  
Roberta L. Robins  
Registration No. 33,208

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